

REMARKS

Applicants appreciate the thorough examination of the present application as evidenced by the Final Action, including the indication that the prior art does not anticipate or render any of the claims obvious. As the rejections in the Final Action largely track the previous rejections, Applicants will respond only to newly raised issues herein to facilitate the Examiner's reconsideration of the rejections. However, to ensure that this submission is fully responsive to the Final Action, Applicants' previous amendment mailed May 3, 2006 is incorporated herein by reference in its entirety. Applicants submit that the present rejections should be withdrawn for at least the reasons discussed therein and further discussed below.

The Section 112 Rejections

Claims 1-9 and 11-33 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Final Action, p. 2. More particularly, the Final Action asserts that the present specification discloses that "both the protection/reaction-preventing layer and the dielectric layer are formed *at about 600°C or less*," Final Action, pp. 2-3 (emphasis in original), and that this does not support claims directed to forming these layers at substantially the same temperature.

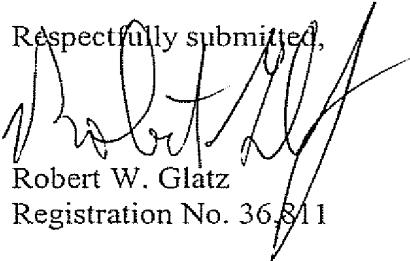
In the Response to Arguments section, the Final Action indicates that Applicants' cited sections of the specification failed to satisfy the written description requirement. Final Action, pp. 3-4. More particularly, the Final Action takes the position that, as the specification discusses embodiments at 600°C or less, including at about 450°C, it does not provide written description support for at the same temperature. Final Action, p. 4. Applicants disagree as the inclusion of written description of additional embodiments does not mean the recited embodiments are not also fully described. As is clear in the sections previously cited by Applicants, the specification describes embodiments where both of the recited layers are formed at about 600°C. It necessarily follows, therefore, that embodiments where both are formed at substantially the same temperature are described. In other words, about 600°C is clearly substantially the same temperature as about 600°C.

Applicants respectfully assert that, upon application of the appropriate standard for evaluating patent claims for adequate written description, it is apparent that the claims of the present application meet this requirement. A review of the case law reveals that the courts have consistently held that it is well established that there is no *in haec verba* requirement and that newly added claim limitations can be supported in the specification through **express, implicit, or inherent disclosure**. *See* "Written Description" Requirement as published on January 5, 2001 in the Federal Register (Vol. 66, pages 1099-1111), page 1105, first column of the Guidelines for Examination of Patent Applications Under the 35 U.S.C. 112, ¶ 1. Moreover, the Court of Customs and Patent Appeals (CCPA) has stated that "[t]he function of the description requirement is to ensure that the inventor had possession, as of the filing date of the application relied on, of the specific subject matter now claimed by him; how the specification accomplishes this is not material It is not necessary that the application describe the claim limitations exactly . . . but only so clearly that persons of ordinary skill in the art will recognize from the disclosure that applicants invented processes including those limitations." *In re Wertheim*, 541 F.2d 257 (CCPA 1976) (citing *In re Smith*, 482 F.2d 910 (CCPA 1973) and *In re Smythe*, 480 F.2d 1379 (CCPA 1973)). Thus, Applicants respectfully submit that the written description requirement is satisfied for the pending claims in the specification through explicit, implicit or inherent disclosure. Accordingly, Applicants request withdrawal of the Section 112 rejections for at least these reasons.

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CONCLUSION

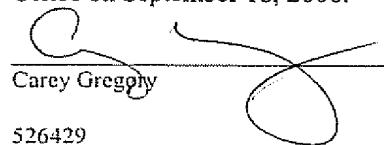
Applicants respectfully submit that, for the reasons discussed above, the claims meet the written description requirement. Accordingly, Applicants respectfully request reconsideration of the rejections by the Examiner and allowance of all the pending claims and passing this application to issue.

Respectfully submitted,

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CERTIFICATION OF TRANSMISSION UNDER 37 CFR § 1.8

I hereby certify that this correspondence is being transmitted electronically to the U.S. Patent and Trademark Office on September 18, 2006.


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